

C.C.R.B CASE CLOSING FORM

Investigator assigned: Sokolow		Team: 1	CCRB#: 9801536	<input type="checkbox"/> Force <input checked="" type="checkbox"/> Discourtesy <input checked="" type="checkbox"/> Abuse <input type="checkbox"/> O.L. <input type="checkbox"/> Injury
Date of incident: 2/20/98	Time of incident: 9:00 PM	Location of incident: 233rd Street, Bronx, NY	Pct. of occurrence: 47	Date S.O.L. Expires: 8/20/99
Date reported: 2/20/98	Time reported: 12:01 AM	To whom/where/how reported: Complainant called IAB		
Complainant: § 87(2)(b)		Home address: § 87(2)(b)		
Victim(s): § 87(2)(b)		Home address: Same		
Witness(es): § 87(2)(b)		Home address: § 87(2)(b)		
Subject officer(s) (include rank): PO Robert Abramson PO Edward McHugh PO Michael Fraterrigo PO David Velez		Shield: 24409 11868 13078 5401	Tax: 905644 906789 906276 905234	Command: Street Crime Unit Street Crime Unit Street Crime Unit Street Crime Unit
Witness officer(s) (include rank):		Shield:	Tax:	Command:
Allegation(s) by letter: A. PO Abramson abused his authority when he stopped Mr. § 87(2)(b) and searched him and his car in violation of Patrol Guide procedure 116-02. B. PO Abramson was discourteous when he called Mr. § 87(2)(b) a drug dealer and a crackhead in violation of Patrol Guide procedure 104-01. C. PO McHugh abused his authority when he searched one of the occupants of Mr. § 87(2)(b) car in violation of Patrol Guide procedure 116-02. D. PO Fraterrigo abused his authority when he searched one of the occupants of Mr. § 87(2)(b) car in violation of Patrol Guide procedure 116-02. E. PO Velez abused his authority when he searched one of the occupants of Mr. § 87(2)(b) car in violation of Patrol Guide procedure 116-02.				Recommendation(s): § 87(2)(g)

Summary of Complaint

On February 20, 1998, Mr. § 87(2)(b) was driving in his car near 233rd Street in the Bronx. He was with three friends, § 87(2)(b). As they were driving, an unmarked car pulled them over. The occupants of the car were asked to step out. The four men were searched by four police officers. PO Abramson, one of the officers, searched Mr. § 87(2)(b) vehicle. The

four men were released. Mr. § 87(2)(b) and Mr. § 87(2)(b) returned to the car, the other two men walked away. Mr. § 87(2)(b) and Mr. § 87(2)(b) proceeded to drive toward Mount Vernon, where Mr. § 87(2)(b) lives. The officer pulled up near his car and followed him over the Westchester County border and into Mount Vernon. The officer prevented him from entering his home, handcuffed him and brought him back to the 47th precinct. Mr. § 87(2)(b) was issued five summonses for the following infractions: two failure to stop for a stop sign, one failure to stop for a red light, one for reckless driving, one for disorderly conduct. Mr. § 87(2)(b) was released from the precinct (enclosure 3A-B).

Results of Investigation

Mr. § 87(2)(b) was interviewed and presented a version of events in which he is blameless. He states he was stopped because PO Abramson was retaliating for an earlier CCRB complaint which Mr. § 87(2)(b) filed against him for an incident that occurred in 1996. That complaint of force and injury was unsubstantiated. Mr. § 87(2)(b) states that the officers unnecessarily stopped and searched him, his friends and his vehicle. PO Abramson called him a drug dealer and a crackhead and needlessly followed Mr. § 87(2)(b) to his home in Mount Vernon. Mr. § 87(2)(b) did not seem entirely credible and visibly demonstrated hostility toward PO Abramson and toward his previous CCRB experience.

Mr. § 87(2)(b) was interviewed (enclosure 4A-B) as a witness to these allegations and presented a story consistent with Mr. § 87(2)(b) § 87(2)(g)

Ms. § 87(2)(b) the victim's mother and the complainant in this case since she called NYPD Internal Affairs to report the allegations, was interviewed (enclosure 5A-B). However, she did not witness the abuse or discourtesy allegations. Ms. § 87(2)(b) stated she called Mount Vernon police to come to her home. However, police records of 911 call show no indication of such a call. However, the NYPD officer all stated that Mount Vernon Police Department did arrive at 29 Bell Avenue shortly after Ms. § 87(2)(b) told him she was going to call them. It is possible that Ms. § 87(2)(b) dialed a direct telephone number.

§ 87(2)(b), the two other men in Mr. § 87(2)(b) car when it was stopped, were not interviewed. Mr. § 87(2)(b) was unable to provide accurate contact information for either man and their names and addresses were not on the UF 250 (enclosure 13A-D), the only police documents from this incident that could identify the witnesses. Mr. § 87(2)(b) stated that these men suddenly decided to go home. PO Abramson stated that these men did not want to be associated with Mr. § 87(2)(b) due to his abusive behavior and therefore left before getting further involved. This is reflected in the statement of one man, recorded on the UF 250 which states that one of the men said, "Stop fucking with the police." The fact that these men left supports PO Abramson's version of events.

§ 87(2)(b)

PO Abramson § 87(2)(g). He provided a detailed description of the incident at the start of the interview without questioning or prompting. Additionally, PO Abramson stated that he did not issue summonses to Mr. § 87(2)(b) during the initial car stop because he was afraid of receiving another CCRB complaint. PO Abramson does have discretion to issue or not issue summonses for minor infractions. § 87(2)(g) Police officers should not be swayed from behaving within the guidelines of their job because they fear that a

complaint might be filed against them. § 87(2)(g)

PO McHugh, PO Velez and PO Fraterrigo presented testimony that was consistent with PO Abramson's version of events.

Mr. § 87(2)(b) seemed disturbed by the fact that the officers left the confined of New York City and followed him home to Westchester County. He seemed to think that Mt. Vernon was out of the officer's jurisdiction. However this is not the case. Patrol Guide procedure 110-1, which covers the law of arrests, states that, "In close pursuit cases relating to petty offense or traffic infractions, a police officer may pursue to any part of the State and make an arrest or issue a summons, if authorized by law to do so in his own geographical area of employment." PO Abramson and the other officers stated that Mr. § 87(2)(b) disregarded several stop signs both before and after the car stop as well as running a red light and driving recklessly and cursing at the officers. These offense both petty and traffic gave license to the officers to follow Mr. § 87(2)(b) into Mt. Vernon. § 87(2)(b), § 87(2)(g)

. The officers described Mr. § 87(2)(b) as driving with one hand while the other arm was raised out of the window waving the officers on and he sped toward the Mount Vernon border. If Mr. § 87(2)(b) believed the officer could not go into Westchester County, he might taunt the officers think that he could get away without incident if the officers had to stop at the border.

Conclusions and Recommendations

ALLEGATION A- PO Abramson abused his authority when he stopped Mr. § 87(2)(b) car and searched Mr. § 87(2)(b)

PO Abramson stated that he stopped the car because the driver ran through a stop sign and nearly hit the unmarked police car. He stopped the car because it was a rainy day and he thought the driver should be more careful. He stated that he did not know Mr. § 87(2)(b) was the driver and it took a few moments until Mr. § 87(2)(b) recognized him and he then remembered previously arresting Mr. § 87(2)(b) and becoming the subject of the CCRB complaint. He said he had no knowledge of the driver's identity when he stopped the car. PO Abramson said he saw a knife on the floor of the car as he approached the vehicle to speak with the driver. PO Abramson asked the men to step out while he investigated. He and the other officers patted the occupants down to make sure there were no other weapons. § 87(2)(b), § 87(2)(g)

ALLEGATION B- PO Abramson called Mr. § 87(2)(b) a drug dealer and a crack head. PO Abramson denied making this comment. Mr. § 87(2)(b) supported Mr. § 87(2)(b) in this allegation but I was unable to determine if events proceeded as the complainant stated. § 87(2)(g)


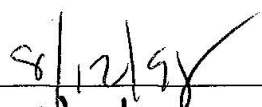
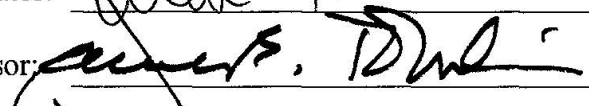
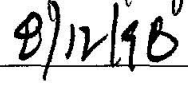
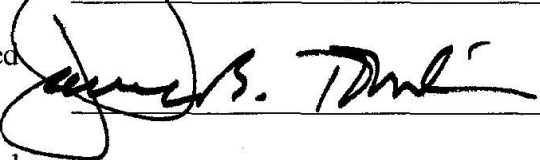
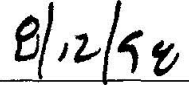
§ 87(2)(g)

ALLEGATION C- PO McHugh searched one of the occupants of Mr. § 87(2)(b) car. PO McHugh admitted frisking one of the unidentified occupants of Mr. § 87(2)(b) car. Mr. § 87(2)(b) could not identify who searched the other men § 87(2)(g)

ALLEGATION D- PO Fraterrigo searched one of the occupants of Mr. § 87(2)(b) car. For the reasons stated in the discussion of allegation C, the subject of PO Fraterrigo's search is not identified § 87(2)(g)

ALLEGATION E- PO Velez searched one of the occupants of Mr. § 87(2)(b) car.

§ 87(2)(g)

Investigator:		Date:	
Supervisor:		Date:	
Reviewed by:		Date:	
Reviewed by:		Date:	